

(Do Not Write Above 0495)

AN ORDINANCE

BY FINANCE/EXECUTIVE  
COMMITTEE

AN ORDINANCE TO AMEND PART 2,  
DIVISION 3, SECTION 2-116(a), 2-  
116(b), and 2-1165 OF THE  
PROCUREMENT AND REAL ESTATE  
CODE OF THE CITY OF ATLANTA  
REGARDING THE RIGHT TO  
PROTEST, THE AUTHORITY OF THE  
CHIEF PROCUREMENT OFFICER TO  
RESOLVE PROTESTS, AND THE  
AUTHORITY OF PROCUREMENT  
APPEALS HEARING OFFICERS; AND  
FOR OTHER PURPOSES

ADOPTED BY

MAY 05 2003

COUNCIL

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred 4/21/03

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

Committee FIN  
Date 4/21/03  
Chair  
Referred To

FINANCE/EXECUTIVE

4/30/03  
Chair  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

CERTIFIED  
MAY 05 2003  
Ruth Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

MAY 13 2003

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
MAY 05 2003

ATLANTA CITY COUNCIL PRESIDENT

Patrice W. Hubbard

**AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AMEND PART 2, DIVISION 3, SECTIONS 2-1161(a), 2-1161(b), AND 2-1165 OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA REGARDING THE RIGHT TO PROTEST, THE AUTHORITY OF THE CHIEF PROCUREMENT OFFICER TO RESOLVE PROTESTS, AND THE AUTHORITY OF PROCUREMENT APPEALS HEARING OFFICERS; AND FOR OTHER PURPOSES.**

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

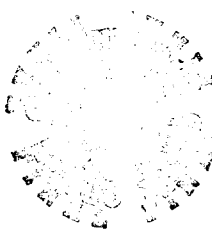
**Section 1:** That Section 2-1161(a) of the Procurement and Real Estate Code which reads:

- (a) *Right to Protest.* Any actual or prospective bidder, offeror, contractor or subcontractor who is aggrieved in connection with the prequalification, solicitation or award of a contract may protest to the chief procurement officer. A protest with respect to prequalification or a solicitation shall be submitted to the chief procurement officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no circumstance shall the protest be submitted after 30 days of notification of the award of the contract.

Be and is hereby amended so that when amended the new section 2-1161(a) shall read:

- (a) *Right to Protest.* Any actual or prospective bidder, offeror, contractor or subcontractor who is aggrieved in connection with the prequalification, solicitation or award of a contract may protest to the chief procurement officer. All protests shall set forth in full detail the factual and legal bases for the protest and a statement of the reasons why such aggrieved person is entitled to relief.

- (1) A protest with respect to a prequalification shall be submitted to the chief procurement officer in writing ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no event shall such protest be submitted more than ten days after notification of the chief procurement officer's prequalification decision.

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- (2) A protest with respect to a solicitation shall be submitted to the chief procurement officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no event shall such protest of the solicitation be submitted more than ten days prior to the deadline established for receipt of bids, proposals or qualifications statements being solicited.
  - (3) A protest with respect to an award shall be submitted to the chief procurement officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no event shall such protest be submitted more than ten days after notification of the award of the affected contract.

**Section 2:** That Section 2-1161(b) of the Procurement and Real Estate Code which reads:

- (b) *Authority to Resolve Protests.* The chief procurement officer shall have the authority, prior to administrative appeal and commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved bidder, offeror, contractor or subcontractor, actual or prospective, concerning the prequalification, solicitation or award of a contract.


Be and is hereby amended so that when amended, the new section 2-1161(b) shall read:

- (b) *Authority to Resolve Protests.* The chief procurement officer shall have the authority to settle and resolve a protest of an aggrieved bidder, offeror, contractor or subcontractor, actual or prospective, concerning the prequalification, solicitation or award of a contract.

**Section 3:** That preamble in Section 2-1165 of the Procurement and Real Estate Code which reads:

Unless an action has been initiated previously in the courts for essentially the same cause of action or the matter is within the authority of the contract compliance hearing officer pursuant to Section 2-1384, the procurement appeals hearing officers shall have the authority to review and determine:

- (1) Any protest of a prequalification, solicitation or award of a contract by an aggrieved actual or prospective bidder or offeror or contractor; and

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- (2) Any appeal by an aggrieved party from a determination by the chief procurement officer which is authorized in sections 2-1161 and 2-1162.

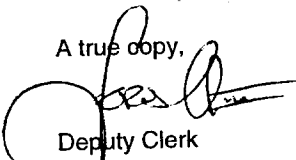
Be and is hereby amended so that when amended the new preamble in Section 2-1165 shall read:

Unless the matter is within the authority of the contract compliance hearing officer pursuant to Section 2-1384, the procurement appeals hearing officers shall have the authority to review and determine:

- (1) Any protest of a prequalification, solicitation or award of a contract by an aggrieved actual or prospective bidder or offeror or contractor; and
- (2) Any appeal by an aggrieved party from a determination by the chief procurement officer which is authorized in sections 2-1161 and 2-1162.

**Section 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,



Deputy Clerk

**ADOPTED** by the City Council  
**APPROVED** by the Mayor

May 5, 2003  
May 13, 2003



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**5/05/03 FULL COUNCIL MEETING**

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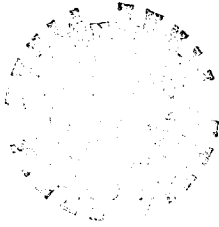
**Items Adopted on the Consent Agenda****Items Adversed on the  
Consent Agenda**

- |               |               |
|---------------|---------------|
| 1. 03-O-0654  | 36. 03-R-0624 |
| 2. 03-O-0657  | 37. 03-R-0625 |
| 3. 03-O-0664  | 38. 03-R-0626 |
| 4. 03-O-0673  | 39. 03-R-0606 |
| 5. 03-O-0674  | 40. 03-R-0609 |
| 6. 03-O-0675  | 41. 03-R-0610 |
| 7. 03-O-0676  | 42. 03-R-0611 |
| 8. 03-O-0548  | 43. 03-R-0612 |
| 9. 03-O-0666  | 44. 03-R-0613 |
| 10. 03-O-0652 | 45. 03-R-0614 |
| 11. 03-O-0107 | 46. 03-R-0615 |
| 12. 03-O-0495 | 47. 03-R-0630 |
| 13. 03-O-0540 | 48. 03-R-0659 |
| 14. 03-O-0567 | 49. 03-R-0694 |
| 15. 03-O-0568 | 50. 03-R-0627 |
| 16. 03-O-0573 | 51. 03-R-0635 |
| 17. 03-O-0594 | 52. 03-R-0636 |
| 18. 03-O-0661 | 53. 03-R-0637 |
| 19. 02-O-0680 | 54. 03-R-0638 |
| 20. 03-O-0435 | 55. 03-R-0639 |
| 21. 03-O-0547 | 56. 03-R-0640 |
| 22. 03-R-0596 | 57. 03-R-0645 |
| 23. 03-R-0597 |               |
| 24. 03-R-0599 |               |
| 25. 03-R-0603 |               |
| 26. 03-R-0604 |               |
| 27. 03-R-0605 |               |
| 28. 03-R-0607 |               |
| 29. 03-R-0366 |               |
| 30. 03-R-0618 |               |
| 31. 03-R-0619 |               |
| 32. 03-R-0620 |               |
| 33. 03-R-0621 |               |
| 34. 03-R-0622 |               |
| 35. 03-R-0623 |               |

- |               |
|---------------|
| 58. 03-R-0641 |
| 59. 03-R-0642 |
| 60. 03-R-0643 |
| 61. 03-R-0644 |
| 62. 03-R-0646 |

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Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1<sup>st</sup> Consent Vote: 13Yeas; 0 Nays  
(See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))  
Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449

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- (2) Any appeal by an aggrieved party from a determination by the chief procurement officer which is authorized in sections 2-1161 and 2-1162.

Be and is hereby amended so that when amended the new preamble in Section 2-1165 shall read:

Unless the matter is within the authority of the contract compliance hearing officer pursuant to Section 2-1384, the procurement appeals hearing officers shall have the authority to review and determine:

- (1) Any protest of a prequalification, solicitation or award of a contract by an aggrieved actual or prospective bidder or offeror or contractor; and
- (2) Any appeal by an aggrieved party from a determination by the chief procurement officer which is authorized in sections 2-1161 and 2-1162.

**Section 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.